

(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(g) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.

(Added Pub. L. 96-342, title VIII, §805(a)(1), Sept. 8, 1980, 94 Stat. 1093; amended Pub. L. 97-86, title V, §505, Dec. 1, 1981, 95 Stat. 1109; Pub. L. 99-145, title VI, §645(a), Nov. 8, 1985, 99 Stat. 654; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, §612(c), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, §611(c), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104-106, div. A, title VI, §611(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §611(e), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §611(e), 623, Nov. 18, 1997, 111 Stat. 1785, 1793; Pub. L. 105-261, div. A, title VI, §611(e), Oct. 17, 1998, 112 Stat. 2038.)

AMENDMENTS

1998—Subsec. (e). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a). Pub. L. 105-85, §623(1), substituted “The Secretary concerned” for “Under regulations prescribed by the Secretary of Defense, the Secretary of a military department”.

Subsec. (b)(3). Pub. L. 105-85, §623(2), substituted “designated for purposes of this section in the regulations prescribed under subsection (f)” for “designated by the Secretary of Defense for the purposes of this section”.

Subsec. (c)(3). Pub. L. 105-85, §623(3), substituted “the regulations prescribed under subsection (f)” for “regulations prescribed by the Secretary of Defense”.

Subsec. (e). Pub. L. 105-85, §611(e), substituted “September 30, 1999” for “September 30, 1998”.

Subsecs. (f), (g). Pub. L. 105-85, §623(4), added subsecs. (f) and (g).

1996—Subsec. (e). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (e). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (c)(2). Pub. L. 103-160, §612(c)(1)(A), substituted “sixth anniversary” for “fifth anniversary” in second sentence.

Subsec. (c)(3). Pub. L. 103-160, §612(c)(1)(B), added par. (3).

Subsec. (e). Pub. L. 103-160, §612(c)(2), substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (e). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1991—Subsec. (a)(2). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “subsection (b)”.

Subsec. (d)(2), (3). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “paragraph (1)”.

1989—Subsec. (e). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (e). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

1985—Subsec. (c)(1). Pub. L. 99-145, §645(a)(1), substituted “up to \$50 as determined by the Secretary concerned” for “\$25”.

Subsec. (e). Pub. L. 99-145, §645(a)(2), substituted “September 30, 1987” for “September 30, 1985”.

1981—Subsec. (e). Pub. L. 97-86 substituted “September 30, 1985” for “September 30, 1981”.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 645(b) of Pub. L. 99-145 provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Agreements under this section not to be entered into before Oct. 1, 1980, see section 805(a)(3) of Pub. L. 96-342, set out as a note under section 308d of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

Section 612(g) of Pub. L. 103-160 provided that:

“(1) In the case of a person described in paragraph (2) who executes a reserve affiliation agreement under section 308e of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act [Nov. 30, 1993], the Secretary of the military department concerned may treat the agreement for purposes of the bonus authorized under such section as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendment made by subsection (c)(2) [amending this section] taken effect on October 1, 1993.

“(2) A person referred to in paragraph (1) is a person described in section 308e(a) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for a reserve affiliation agreement under such section had the amendment made by subsection (c)(2) taken effect on October 1, 1993.”

[For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.]

§ 308f. Special pay: bonus for enlistment in the Army

(a) Under regulations prescribed by the Secretary of the Army, a person—

(1) who is a high school graduate (or has received a high school education equivalency certificate);

(2) whose score on the Armed Forces Qualification Test is at or above the fiftieth percentile; and

(3) who enlists in the Army for a period of at least 3 years in a skill designated as critical,

may be paid a bonus in an amount prescribed by the Secretary of the Army not to exceed \$6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary of the Army.

(b)(1) Under regulations prescribed by the Secretary of the Army, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section, or a person who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a person who is not qualified because of injury, illness, or other impairment not the result of his own misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after September 30, 1981.

(c) No bonus may be paid under this section with respect to an enlistment in the Army after December 31, 1999.

(Added Pub. L. 97-60, title I, §117(c)(1), Oct. 14, 1981, 95 Stat. 996; amended Pub. L. 98-14, §2, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98-525, title VI, §621(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 100-180, div. A, title VI, §626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 102-25, title VII, §702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-160, div. A, title VI, §613(e), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103-337, div. A, title VI, §613(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, §613(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §613(c), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §613(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105-261, div. A, title VI, §§613(c), 620, Oct. 17, 1998, 112 Stat. 2039, 2042.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-261, §620, substituted “\$6,000” for “\$4,000” in concluding provisions.

Subsec. (c). Pub. L. 105-261, §613(c), substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (c). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (c). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (c). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (c). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1992”.

1991—Subsec. (b)(2), (3). Pub. L. 102-25 struck out “of this subsection” after “paragraph (1)”.

1987—Subsec. (c). Pub. L. 100-180 substituted “September 30, 1992” for “September 30, 1987”.

1984—Subsec. (c). Pub. L. 98-525 substituted “September 30, 1987” for “September 30, 1984”.

1983—Subsec. (c). Pub. L. 98-14 substituted “September 30, 1984” for “September 30, 1983”.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 613(h)(3) of Pub. L. 103-160 provided that: “The amendment made by subsection (e) [amending this section] shall take effect as of September 30, 1992, and shall apply with respect to an enlistment in the Army described in section 308f of title 37, United States Code, occurring on or after that date.”

EFFECTIVE DATE

Section applicable to enlistments and reenlistments after Oct. 14, 1981, see section 117(d) of Pub. L. 97-60, set out as an Effective Date of 1981 Amendment note under section 308 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 3015.

§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b).

(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g), except that the amount of such a bonus may not exceed \$1,000.

(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

(e) An obligation to reimburse the United States imposed under subsection (d) is, for all purposes, a debt owed to the United States.

(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d). This subsection applies to any case commenced under title 11 after September 24, 1983.

(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1992.

(Added Pub. L. 98-94, title X, §1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 99-145, title VI, §646(a)(1), title XIII, §1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

AMENDMENTS

1991—Pub. L. 102-25 struck out “of this section” wherever appearing in subsecs. (a), (b), (e), and (f).

1989—Subsec. (h). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (h). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

1985—Subsec. (f). Pub. L. 99-145, §1303(b)(3), substituted “September 24, 1983” for “the date of the en-